

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

KENNY LEWIS,  
Plaintiff,

v.

DOMAINE DES BAUMARD, et al.,  
Defendants.

Case No. 14-cv-00471-TEH

**ORDER GRANTING BALGUERIE'S  
MOTION TO DISMISS**

Before this case was removed to federal court, Defendant Balguerie was dismissed in state court for lack of personal jurisdiction. Plaintiff Kenny Lewis re-named Balguerie as a defendant in his third amended complaint. Balguerie now seeks dismissal on three grounds: (1) the state court's jurisdictional ruling is conclusive under principles of res judicata; (2) Balguerie has not been properly served; and (3) Plaintiff's claims against Balguerie are barred by the statute of limitations.

In opposition, Defendant Vintus LLC requested a 150-day continuance to conduct jurisdictional discovery.<sup>1</sup> However, Vintus failed to address any of the three bases on which Balguerie seeks dismissal, thereby conceding those arguments. *E.g., Ramirez v. Ghilotti Bros. Inc.*, 941 F. Supp. 2d 1197, 1210 & n.7 (N.D. Cal. 2013). Thus, there is no dispute that the state court ruling of no personal jurisdiction over Balguerie must stand, nor is there any dispute that the claim against Balguerie in the third amended complaint is barred by the statute of limitations. Accordingly, there is no need for any jurisdictional

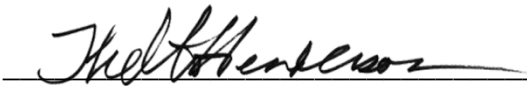
---

<sup>1</sup> Plaintiff and Defendants SCEA Domaine des Baumard and SARL Baumard Distribution joined in Vintus's opposition but did not file separate opposition briefs.

1 discovery. Balgueríe's motion is GRANTED, and Balgueríe is hereby dismissed from this  
2 case with prejudice.

3  
4 **IT IS SO ORDERED.**

5  
6 Dated: 01/05/16



THELTON E. HENDERSON  
United States District Judge